

## **REMARKS**

The Office Action dated June 12, 2006 has been fully considered by the Applicant.

Attached is a Request for Three-Month Extension of Time and a check in the amount of \$1020 for payment of the Extension.

Independent claims 1, 7 and 14 are currently amended. Claim 2-6 8-13, 15 and 16 have been previously presented.

Claims 1-3, 5-9, 11, 14 and 15 have been rejected under 35 USC 102(b) as being anticipated by European Patent Application No. 0798875 to Kaku et al. Applicant respectfully requests reconsideration of the rejection.

Applicant's claim 1 has been currently amended to provide for a method of installation of a broadcast data receiver to receive broadcast data for use to generate audio and/or video at each receiver broadcast continuously to a plurality of locations including the location of the receiver, the method including the steps of measuring the power level of the broadcast data signals at two predetermined spaced points on the signal band by measuring the content of automatic gain control converters relating to said broadcast data signal within the receiver and providing an amplitude correction filter which can be selectively operated on the broadcast data signal to allow the correction of amplitude variations with the frequency. The selective operation of the filter is dependent upon and responsive to the power level measurements obtained. The broadcast data signal used for the measurement is the same as that used to generate the audio and/or video at the receiver locations for display to the user at the receiver location for the purpose of viewing the display. Applicant believes

currently amended claim 1 is novel over the Kaku patent and respectfully requests reconsideration of the rejection.

For example, see the abstract of Kaku: "... extracting plural tone signals each superimposed on a transmission signal...".

As indicated in Applicant's previously submitted remarks, the main difference between the subject matter disclosed in Kaku and Applicant's currently amended invention is that Kaku measures test signals in the form of plural tones which have been overlaid onto the signal used to generate video/audio for display to a user, whereas the present invention measure the actual signal which is used to generate video/audio for display to a user. Thus, in Applicant's invention no overlaid tones are necessary.

Measuring the actual signal, as in Applicant's invention, overcomes the disadvantages of Kaku wherein the overlaid tones can interfere with the signal used to generate video/audio and displayed to the user, which can lead to errors and/or distortion of the video/audio. Overlaid tones are not required in Applicant's invention, as it is the actual signal used to generate the video/audio for display to a user that is measured directly.

The independent claims have been further clarified accordingly and, therefore, Applicant believes they are now novel over the Kaku patent for the above reasons.

Claims 2, 3, 5-6 depend upon independent claim 1 and are believed to be novel over the Kaku patent for the reasons stated above.

Claim 7 has been amended to include a broadcast data receiver for receiving digital data for use to generate audio and/or video at each receiver which is continuously transmitted to a plurality of locations, received by the application and passed to the receiver via a radio frequency input from

the data carrying network. The broadcast data receiver includes a selectively activated linearization circuit that operates with a receiver control system upon comparison of measurements of the power levels at two predetermined points on the broadcast data signal passed to the radio frequency input. The linearization circuit is activated to adjust the receiver settings during an installation procedure for the broadcast data receiver at a location at which the receiver is to be used if the comparison reveals a difference which is greater than a predetermined level. Further, the broadcast data signal used for the measurement is the same as that used to generate the audio and/or video at the receiver locations for display to the user at the receiver location for the purpose of viewing the display. Clearly, these features are not taught or suggested in the prior art. Therefore, Applicant sincerely believes that currently amended claim 7, along with dependent claim 8-13, is novel over the cited references.

Claim 14 has been amended to provide a method of installation of a receiver by a user to receive digital data for use to generate audio and/or video at each receiver continuously broadcast to a plurality of locations including the location of the receiver. The method comprises the steps of measuring the power level of incoming frequency signals relating to the digital data at two predetermined spaced points on the signal band and providing means for the comparison of the measurements. If the comparison shows a value within a predetermined parameter, an indication is provided to the user; and if the comparison shows a value out with the predetermined parameter, a control system in the receiver adjusts the operation of one or a combination of components within the receiver until the value is within the predetermined parameter. The signal used for the measurement is that from which the audio and/or video is generated at the receiver locations for

display to the user at the receiver location for the purpose of viewing the display.

Applicant believes that currently amended claim 14 is now novel over the Kaku patent for the above reasons.

Claim 15 depends upon currently amended claim 14, and Applicant believes it to be novel for the same reasons stated herein with reference to claim 14.

Claims 12, 13 and 16 have been rejected under 35 USC 103(a) as being unpatentable over European Patent No. EP0798875 to Kaku et al in view of United States Patent No. 5,991,339 to Bazes. Claims 12 and 13 depend on currently amended independent claim 7 and are believed novel over the references as cited herein. Claim 16 depends upon currently amended independent claim 14 and is believed to be novel over the cited references as stated herein with reference to claim 14.

Claim 4 has been rejected under 35 USC 103(a) as being unpatentable over European Patent No. 0798875 to Kaku et al in view of United States Patent No. 6,542,540 to Leung et al. Claim 4 is dependent upon currently amended independent claim 1. Applicant believes that claim 1 is novel over the cited references as herein stated and, therefore, it is believed that claim 4 is also novel for the same reasons.

Claim 10 has been rejected under 35 USC 103(a) as being unpatentable over European Patent No. 0798875 to Kaku et al in view of United States Patent No. 6,167,081 to Porter et al. Claim 10 depends upon currently amended independent claim 1. Applicant believes that claim 10 is novel over the cited references as stated above.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is

requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted

HEAD, JOHNSON & KACHIGIAN

Dated: 11 December 2006

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